



City of Seattle

Edward B. Murray, Mayor

Seattle Department of Construction and Inspections
Nathan Torgelson, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS

Application Number: 3020531
Applicant Name: Stephanie Haque
Address of Proposal: 9018 4th Avenue South

SUMMARY OF PROPOSAL

Land Use Application to subdivide one parcel into three parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 5,806 sq. ft., B) 5,502.5 sq. ft.; and, C) 5,502.5 sq. ft. Existing structures to remain.

The following approvals are required:

Short Subdivision - create three parcels of land.
(Seattle Municipal Code Chapter 23.24)

SEPA – Environmental Determination
(Seattle Municipal Code Chapter 25.05)

Seattle DCI SEPA DETERMINATION:

- ☒ Determination of Non-Significance.
- ☐ Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts.

SITE AND VICINITY

Site Zone Single Family SF 5000

Nearby Zones:

North: SF 5000
South: SF 5000
East: SF 5000
West: SF 5000

Site Size: 16,811 sq. ft.

Existing Conditions:

The proposal site is a 16,811 square foot rectangular shaped parcel located on the east side of 4th Avenue So., within the South Park Neighborhood. The site is zoned Single-family with a required minimum lot size of 5,000 sq. ft. (SF5000). The site has street frontage of approximately 92 feet in width and an approximate lot depth of 180 feet.

The site is currently occupied by a one-story single family residential structure, and a detached two-car garage with a single shed roof attached to the east side of the garage and a second shed roof structure attached to garages' south side. The site also has a horticultural garden near the property's northeast corner, a large lawn area, and 12 trees identified in the Arborist Report prepared by Kyle Heneger, ISA Certified Arborist, dated October 7, 2015. The site has a descending slope from a southwest to a northwest direction of less than five percent (5%). There is currently a 20 foot wide access and utility easement running the full length of the southern property line.

Surrounding land uses consist of single-family residences to the north, east and west with a large patch community garden located to the south. According to the City's GIS mapping system, the site is situated within an ECA Riparian Corridor (ECA3). A Stream and Wetland Reconnaissance Study prepared by The Watershed Company dated April 28th, 2015 was prepared and submitted to Seattle DCI for review. Based on the results of the study, Seattle DCI approved the findings which determined that the area of the Corridor is smaller than depicted in GIS. As such, a covenant that restricts development to areas outside of the ECA required buffer area is required to be recorded along with the final short plat.

Project Description:

The project proposal is to subdivide an existing 16,863 square foot lot into three parcels of the sizes; A) 5,806 sq. ft., B) 5,502.5 sq. ft.; and, C) 5,502.5 sq. ft. The resultant subdivision will consist of Parcel A with an existing residence and detached 400 square foot garage and Parcels B and C. The SEPA checklist notes future construction of two new single family residences between 1800-2200 square feet with detached garages. The two new properties will be accessed via an easement from 4th Ave. S.



Public Comment:

The public comment period ended on January 17, 2016. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to adjacent Parks property.

I. ANALYSIS – SUBDIVISION (SMC 23.24.040 and SMC 25.09.240)

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Seattle Department of Construction and Inspections (SDCI); review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light; and, review by the Land Use Planner.

1. *Conformance to the applicable Land Use Code provisions, as modified by this chapter;*
2. *Adequacy of access for pedestrians, vehicles, utilities and fire protection as provided in Section 23.53.005, Access to lots, and Section 23.53.006, Pedestrian access and circulation;*
3. *Adequacy of drainage, water supply and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;*
6. *Whether the proposed division of land is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouse, row house, and cottage housing developments as permitted in Single-Family, Residential Small Lot, and Low-rise zones and for single-family dwelling units in Low-rise zones, or any combination of the above types of residential development, as permitted in the applicable zones; and;*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two or more lots from one lot with more than one existing single-family dwelling unit.*
9. *Every lot except unit lots and lots proposed to be platted for individual live-work units in zones where live-work units are permitted, shall conform to the following standards for lot configuration, unless a special exception is authorized under subsection 23.24.040.B:*
 - a. *If a lot is proposed with street frontage, then one lot line shall abut the street for at least 10 feet; and*

- b. No lot shall be less than 10 feet wide for a distance of more than 10 feet as measured at any point; and*
- c. No proposed lot shall have more than six separate lot lines. The lot lines shall be straight lines, unless the irregularly shaped lot line is caused by an existing right-of-way or an existing lot line; and*
- d. If the property proposed for subdivision is adjacent to an alley, and the adjacent alley is either improved or required to be improved according to the standards of Section 23.53.030, then no new lot shall be proposed that does not provide alley access, except that access from a street to an existing use or structure is not required to be changed to alley access. Proposed new lots shall have sufficient frontage on the alley to meet access standards for the zone in which the property is located.*

Conclusion

The proposed plat maximizes the retention of existing trees. Twelve trees are identified in the Arborist report (prepared by Kyle Heneger, ISA Certified Arborist, dated October 7, 2015). None of these qualify as Exceptional Trees. Most of the trees are located in the southern portions of the proposed lots. These trees can be preserved with the proposed lot configuration, depending upon the location of any future construction, the extent of the root systems, and the overall health of the tree. Future construction will be subject to the provisions of SMC 23.44.008, 25.11.050 and 25.11.060 which sets forth tree planting and Exceptional Tree protection requirements on single family lots.

Short Subdivisions in Environmentally Critical Areas

- A. This section applies to all applications for short subdivisions and subdivisions, excluding unit lot subdivisions, on parcels containing any part of a riparian corridor, shoreline habitat, shoreline habitat buffers, wetlands, wetland buffers, or steep slope areas in addition to the standards in Title 23.*

The short subdivision includes land within a riparian corridor area.

- B. Parcels shall be divided so that each lot contains an area for the principal structure, all accessory structures, and necessary walkways and for access to this area that are outside all environmentally critical areas and buffers identified in subsection A above except as follows:*

Each lot is proposed to have sufficient land area for structures and access to avoid the environmentally critical areas (ECAs).

- 1. The required area and access may be located in the footprint of an existing lawful principal structure used for residential use that encroaches into an environmentally critical area or buffer identified in subsection A, provided it does not further alter or increase the impact to the environmentally critical area or buffer.*

The required area and access will not encroach into the ECAs.

2. *Access may be provided by a bridge over a riparian corridor when the Director determines no other access is available and (a) access is provided by a freestanding structure that maintains the natural channel and floodway of the watercourse and (b) the disturbance of the riparian corridor and any other adjacent environmentally critical area or buffer is kept to a minimum.*

No bridge is proposed.

3. *Development may encroach into that portion of a steep slope area or its buffer for which the Director has determined that criteria in subsection 25.09.180 B2a, b, or c are met for the particular short subdivision, or subdivision under consideration.*

No steep slope or steep slope buffer ECAs are located on site.

4. *Development may encroach into the Shoreline habitat buffer provided that:*
 - a. *a condition is recorded on the plat restricting the development in the buffer to water dependent or water related uses or to single family residential uses; and*
 - b. *for single family residential uses the condition requires each residence to be no further waterward than twenty-five feet (25') from the ordinary high water mark; and*
 - c. *a condition is recorded on the plat (1) requiring mitigation at the time of development for removal of vegetation, addition of impervious surface, and all other harm to the ecological function of the buffer and habitat resulting from development and (2) setting out on the plat the mitigation standards in subsection 25.09.200 B4e.*

The short subdivision is not within a Shoreline habitat buffer.

- C. *Lots shall be configured to preserve the environmentally critical areas and their buffers identified in subsection A by:*
 1. *Establishing a separate buffer tract or lot with each owner having an undivided interest; or*
 2. *Establishing non-disturbance areas on individual lots.*

The lands of this short subdivision that are within the riparian corridor management area and/or steep slope area are designated on the plat as *non-disturbance areas*. An ECA Covenant has been recorded requiring the placement of four permanent visible markers to delineate the boundaries of the steep slope, and restricting activities within this area.

- D. *The environmentally critical areas and buffers identified in subsection A above, except for areas qualifying for development under subsection B1-4, shall be designated non-disturbance areas on the final plat. A notice that these non-disturbance areas are located*

on the lots, including the definition of "non-disturbance area," shall record in the King County Office of Records and Elections along with the final plat in a form approved by the Director. At the same time, a covenant protecting non-disturbance areas shall be recorded as set out in Section 25.09.335.

The ECAs and buffers are identified on the plat as non-disturbance areas, and a covenant will be recorded as set out in SMC 25.09.335. This criterion is satisfied.

- E. In computing the number of lots a parcel in a single family zone may contain, the Director shall exclude the following areas:*
- 1. Easements and/or fee simple property used for shared vehicular access to proposed lots that are required under Section 23.53.005.*
 - 2. The area of the environmentally critical areas and buffers identified in subsection A, unless they are on a lot that meets one of the following standards:*
 - a. the provisions of subsection B; or*
 - b. an Administrative Conditional Use is obtained under Section 25.09.260, if it is not practicable to meet the requirements of subsection B considering the parcel as a whole.*

Each lot has sufficient area for access and development outside of the ECA; therefore the provisions of subsection B are satisfied. As such, the number of lots allowed by this subdivision may be calculated by including the area of ECA in the calculation. This criterion is satisfied.

- F. Application Submittal Requirements. All short subdivision and subdivision applications, in addition to the application submission requirements included in Title 23 shall meet the applicable application submittal requirements of this chapter, Section 25.09.330, and shall include the information contained in this subsection and Section 25.09.260, as applicable, on the surveyed site plan.*

Conclusion

Based on information provided by the applicant, referral comments from Seattle DCI and other City Departments, and review and analysis by the Land Use Planner, the above criteria have been met. The short subdivision meets all minimum standards or applicable exceptions set forth in the Land Use Code.

This short subdivision will provide pedestrian and vehicular access (including emergency vehicles), and public and private utilities. Adequate provisions for drainage control, water supply, and sanitary sewage disposal will be provided for each lot and service is assured, subject to standard conditions governing utility extensions.

The application includes sufficient information to allow for review and approval of this subdivision and all provisions of SMC 25.09.240 have been met. This criterion is satisfied.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **GRANTED**.

II. ANALYSIS – SEPA

The proposal site is located in an environmentally critical area (ECA) due to a riparian corridor management area. Proposals located in landslide prone areas (i.e. known landslide areas, potential landslide areas, and steep slopes), wetlands, and fish and wildlife habitat conservation areas may require environmental review (SMC 25.05.908). Riparian corridors are part of fish and wildlife habitat conservation areas thus this application is not exempt from SEPA review. However, the scope of environmental review of projects within these critical areas is limited to documenting whether the proposal is consistent with the City's ECA regulations in SMC 25.09, and evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the *State Environmental Policy Act* (SEPA), *Washington Administrative Code* (WAC) 197-11, and the Seattle *SEPA Ordinance* (SMC 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant on December 11, 2015. The City of Seattle Department of Construction and Inspections (SDCI) has analyzed and annotated the environmental checklist submitted by the project applicant, and reviewed the project plans and any additional information in the file and any pertinent comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action may result in adverse impacts to the ECA; however, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Short Term Impacts

Greenhouse Gas

Future construction and operation activities are expected to result in an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions. No emissions are anticipated from the division of land. No further SEPA conditioning is warranted (SMC 25.05.675.A.).

Drainage (Riparian Corridor)

Each lot is proposed to have sufficient land area for structures and access to avoid the environmentally critical areas (ECA). The SEPA checklist indicates construction of two new

single family residences with detached garages is planned for the site. The lands of this short subdivision that are within the riparian corridor management area are designated on the plat as *non-disturbance areas*. An ECA Covenant will be recorded requiring the placement of permanent visible markers to delineate the boundaries of the riparian corridor, and restricting construction activities within this area. No further mitigation is warranted per SMC 25.05.675.C

Long Term Impacts

Drainage (Riparian Corridor)

Each lot is proposed to have sufficient land area for structures and access to avoid the environmentally critical areas (ECA). The lands of this short subdivision that are within the riparian corridor management area are designated on the plat as *non-disturbance areas*. An ECA Covenant will be recorded requiring the placement of permanent visible markers to delineate the boundaries of the riparian corridor, and restricting activities within this area. No further mitigation is warranted per SMC 25.05.675.C

Plants and Animals

The existing trees on site do not qualify for Exceptional status, per the Arborist report (prepared by Kyle Heneger, ISA Certified Arborist, dated October 7, 2015). The proposed plat maximizes the possible retention of trees with future construction of the two single family residences. No further SEPA conditioning is warranted (SMC 25.05.675.N).

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS – SHORT SUBDIVISION

None.

CONDITIONS - SEPA

None.

David Landry, Land Use Planner Date: March 10, 2016
Seattle Department of Construction and Inspections

DL:bg

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.